

SD: NDB  
F. #2016R00603/NY-NYE-759

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

DANIEL E. RUSSO,

Defendant.

----- X

PROPOSED PROTECTIVE ORDER

Cr. No. 20-CR-23 (DLI)

WHEREAS, the defendant has sought certain discovery materials from the Government pursuant to Federal Rule of Criminal Procedure 16 (“Rule 16”), which contain and/or reflect personal identification information allegedly used in the commission of the offenses charged as well as other personal identification information (including, but not limited to, names, addresses and dates of birth) of individuals other than the defendant and his spouse; and

WHEREAS, the Government desires to protect the confidential information contained in the materials it produces pursuant to Federal Rule of Criminal Procedure 16(d)(1) and Title 18, United States Code, Section 3771;

IT IS ORDERED:

1. Discovery material to be produced by the Government in this action contains and/or reflects personal identification information (including but not limited to names, addresses and dates of birth) of individuals other than the defendant and his spouse (“Confidential Material”).

2. Confidential Material disclosed to the defendant or to his counsel (“Counsel”), during the course of proceedings in this action:
  - a. Shall be used by the defendant or his Counsel only for purposes of this action;
  - b. Shall be kept in the sole possession of the defendant’s Counsel;
  - c. Shall not be reviewed or maintained by the defendant outside the presence of his Counsel;
  - d. Shall not be copied or otherwise recorded by the defendant;
  - e. Shall not be disclosed in any form by the defendant or his Counsel except as set forth in paragraph 2(f) below;
  - f. May be disclosed only by the defendant’s Counsel and only to the following persons (hereinafter “Designated Persons”):
    - i. investigative, secretarial, clerical, paralegal and student personnel employed full-time or part-time by the defendant’s Counsel;
    - ii. independent expert witnesses, investigators or advisors retained by the defendant or on his behalf in connection with this action;
    - iii. such other persons as hereafter may be authorized by the Court upon such motion by the defendant; and
  - g. Shall be returned to the Government following the conclusion of this case together with any and all copies thereof, or shall be destroyed together with any and all copies thereof and defendant’s Counsel shall verify such destruction in writing.

3. No persons shall be provided, shown or read the contents of any materials produced pursuant to the terms of this Order, or any copy thereof, unless and until

they have been provided with a copy of this Order and certify under oath and in writing that they will comply with its terms. The defense shall maintain a record of all such persons and certifications.

4. The defense shall not attach any materials produced pursuant to the terms of this Order to any public filings with the Court or publicly disclose such materials, or their contents in any other manner, without prior notice to the Government. If the defense and the Government cannot agree on the manner in which the materials or their contents may be publicly disclosed, the parties shall seek resolution of such disagreements by the Court.

5. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, trial or sentencing proceeding held in this action or to any judge or magistrate of this Court for purposes of this action.

6. Any violation of this Order (a) will require the immediate return to the government of the Confidential Material, and (b) may result in contempt of Court.

7. Nothing in this Order in any way releases counsel for the government or Counsel from the obligations of the “Free Press Fair Trial Directives” of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York.

Dated: Brooklyn, New York  
February 6, 2020

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2020:

---

THE HONORABLE DORA L. IRIZARRY  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK